

WireFree Connect, Inc.
1200 Abernathy Road, Suite 1700
Atlanta, Georgia 30328

June 2, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's
Rules to Facilitate the Provision of Fixed and Mobile Broadband
Access, Educational and Other Advanced Services in the 2150-
2162 and 2500-2690 MHz Bands
WT Docket No. 03-66

WRITTEN *EX PARTE* PRESENTATION

Dear Ms. Dortch:

WireFree Connect, Inc. is providing its comments in **support of open eligibility** for frequencies currently allocated to the Instructional Television Fixed Service. We support open eligibility as a flexible solution that would permit **voluntary** transactions by educational institutions to maximize the use of the spectrum. Such an approach is consistent with the Commission's spectrum policy goals for flexible spectrum use and builds on the Commission's encouragement of secondary markets as an efficient market-based tool for maximum spectrum usage.

WireFree Connect is an entrepreneurial company seeking to deploy state of the art wireless networks throughout the United States. Our senior executives are veteran entrepreneurs in the wireless industry. With a success in raising capital and successfully constructing competitive wireless networks, we are backed by one of the leading venture capital firms with a history of funding the next stage in competitive wireless companies. We believe open eligibility will accelerate the deployment of competitive networks and would be in the public interest in three major ways:

1. Open eligibility will fuel investment into new providers by providing the investment community with assurance that competitive providers have secure spectrum rights, not merely contractual rights. The ITFS/MDS band's difficult path to success makes regulatory certainty and assured spectrum rights critical to the influx of investment capital.
2. Open eligibility will help educators control their own destiny by allowing them to tailor their spectrum holdings to their specific institutional needs. The needs of educational

institutions are not uniform and the ability to voluntarily sell their licenses could create benefits elsewhere within the educational institution.

3. Open eligibility furthers the FCC's move away from command and control to market-based decision making.

We encourage the Commission to grant ITFS licensees the right to assign their licenses to commercial entities as part of the report and order in this proceeding.

Sincerely,

/s/ Thomas D. Body III

Thomas D. Body, III
President

cc: Bryan Tramont
Sheryl J. Wilkerson
Samuel Feder
Jennifer Manner
Paul Margie
Barry Ohlson
Catherine W. Seidel
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